

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

SEP 12 2008

CLERK, U.S. DISTRICT COURT
By _____ Deputy

DALE MICHELE STINGLEY,

§

Plaintiff,

§

§

VS.

§ NO. 4:07-CV-673-A

DEN-MAR, INC., ET AL.,

§

§

Defendants.

§

O R D E R

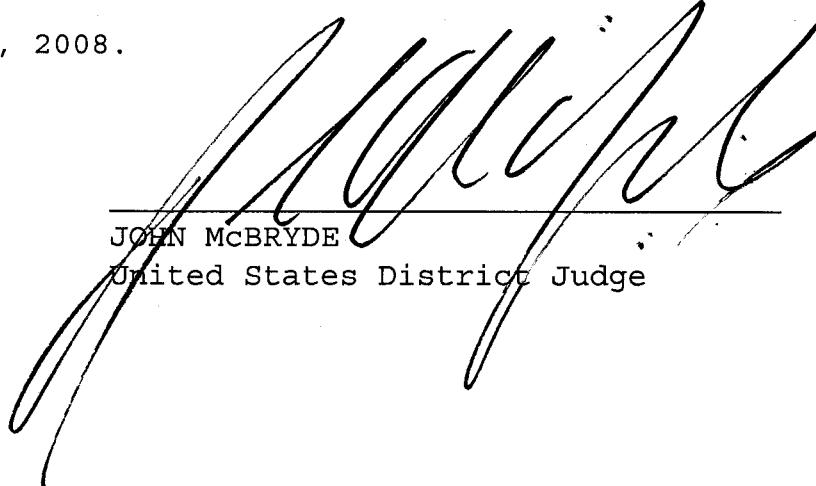
On September 10, 2008, the court granted defendants' motion for summary judgment as to plaintiff's claim of retaliation, but denied the motion as to her claim of sexual harassment on the sole ground presented in the motion. After a review of the complaint and the papers on file in this action, the court is inclined sua sponte to grant summary judgment for defendants dismissing plaintiff's sexual harassment claim, and this action in its entirety, on the grounds that the summary judgment record establishes as a matter of law that the alleged harassment did not affect a term or condition of her employment, and that plaintiff is unable to fulfill her burden to present evidence that the alleged harassment affected a term or condition of her

employment.¹ Prior to making such a decision, the court will afford plaintiff an opportunity to respond to the court's intentions.

Therefore,

The court ORDERS that by September 26, 2008, plaintiff file whatever she wishes to file on the subject of whether the court should make such a sua sponte ruling.

SIGNED September 12, 2008.



JOHN McBRYDE
United States District Judge

¹Plaintiff should bear in mind that the court has already determined that the termination of her employment in March 2007 was unrelated to her claim of sexual harassment filed in November 2006.